

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

LOCAL 282 OF THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, ET. AL.,

Defendants.
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: CV 94-2919 (TCP)
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:

: **AFFIDAVIT**
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:
:

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

ROBERT A. MACHADO, being duly sworn, deposes and says:

1. I am an investigations officer appointed by the District Court for the Eastern District of New York and I have been granted the authority to conduct investigations pertaining to defendant Local 282 ("Local 282") of the International Brotherhood of Teamsters ("IBT"). As such, I am fully familiar with the facts and circumstances set forth herein and submit this Affidavit in support of the Honorable Milton Mollen's motion for contempt for failure to comply with a subpoena.

2. On or about March 22, 1995, the United States of America, Local 282 and IBT entered into a Consent Judgment, which included the creation of a monitorship to eradicate corruption and organized crime influence in Local 282. This Consent Judgment has continued in effect and on January 29, 2010, the Court entered the Fourth Amended Consent Judgment extending the monitorship.

3. Under the Consent Judgment and its various amendments, I, as the Investigations Officer, have the responsibility and the authority to investigate, gather evidence and take actions to eliminate the influence of Corruption (as defined in the Fourth Amended Consent Judgment) from Local 282's activities.

4. Similarly the Consent Judgment grants the Honorable Milton Mollen, as Investigations Counsel, the authority to issue subpoenas in connection with such investigations.

5. In connection with my investigation of Tully Construction Co. Inc.'s activities at the Fresh Kills, Staten Island Landfill, at my request, the Honorable Milton Mollen issued a subpoena for nonparty E.M.E. Inc., ("E.M.E.") on October 7, 2011, which I personally served upon E.M.E. on October 11, 2011. A true and correct copy of the Subpoena and proof of service are attached hereto as Exhibit A.

6. The subpoena required E.M.E. to produce documents at the office of the Honorable Milton Mollen on or before November 7, 2011.

7. E.M.E. did not object to any of the document requests contained in the Subpoena and it did not move the Court for any relief with respect to its obligation to respond to the Subpoena.

8. On November 3, 2011, Keith Prince ("Mr. Prince") from E.M.E. called me and stated that E.M.E. was compiling documents in response to the Subpoena. I told him that I would be willing to review the documents at E.M.E.'s office at his convenience.

9. On January, 3, 2012, having not heard from Prince for two months, I called him and reiterated that I would drive to E.M.E.'s office to review its documents.

10. On January 31, 2012, I drove to E.M.E.'s office located at 849 Route 539 New Egypt, New Jersey 08533. Upon my arrival, the receptionist stated that Mr. Prince was on the property but she did not have a way of contacting him. I provided the receptionist with my business card and left a message for Mr. Prince to call me. Mr. Prince did not call me.

11. On February 1, 2012, I called and left another message for Mr. Prince.

12. On February 14, 2012, I called Mr. Prince and the individual who answered the phone hung up on me. I called Mr. Prince again from my cell phone and left another message asking that he return my calls.

13. I have not heard from Mr. Prince in any fashion since he stated that he was assembling the responsive records, which he never produced.

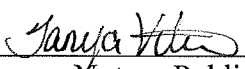
14. I have not had any correspondence with anyone from E.M.E. in the intervals between the aforementioned dates.

15. As of today's date, I have not received any of the documents requested in the Subpoena. Additionally, I have not heard from Mr. Prince or anyone else at E.M.E. since the initial discussion with Mr. Prince when he stated that he was gathering the material in response to the requests in the Subpoena.



ROBERT A. MACHADO

Sworn to before me this
13th day of March, 2012



Notary Public
TANYA VITERI
NOTARY PUBLIC, State of New York
No. 01VI0032087
Qualified in Kings County NY County
Commission Expires January 28, 2014
April 22, 2014